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REMARKS

Claims 1-47 are currently pending in the subject application and are presently under consideration. Claims 1, 6, 28, 34, 44 and 46 have been amended. Claims 3-5, 7, 29 and 38 have been cancelled and claim 47 has been added. The specification has been amended as indicated at pp. 2-4 of the Reply. The herein amendments incorporate limitations from various dependent claims into respective base claims to provide greater clarity as to applicants' invention. Accordingly, the subject amendments do not raise new issues requiring further search or undue consideration, and entry thereof is respectfully requested.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-4 Under 35 U.S.C. §102(e)

Claims 1-4 stand rejected under 35 U.S.C. §102(e) as being anticipated by Giles, *et al.* (US 6,437,812). Reversal of this rejection is respectfully requested for at least the following reasons. Giles *et al.* does not disclose each and every limitation of the claims.

A single prior art reference anticipates a patent claim if *each* and *every* limitation set forth in the patent claim is disclosed in the reference, either expressly or inherently. (See *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295, 63 U.S.P.Q.2d 1597, 1599, 2 U.S.P.Q.2d 1051, 1052-53 (Fed. Cir. 2002) (citing to *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987))) (emphasis added). Moreover, "[t]he *identical* invention must be shown in as *complete* detail as is contained in the patent claim." (*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added) (citing *Jamesbury Corp. v. Litton Industrial Products, Inc.*, 756 F.2d 1556, 1560, 225 U.S.P.Q. 253, 257 (Fed. Cir. 1985); and *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983))).

Claim 1 recites *the notification system senses implicit user actions and adjusts the prioritization of one or more notifications based on the implicit user actions*. Giles *et al.* does not disclose this novel feature. The system of Giles *et al.* assigns a score to a fraud alarm as an indication of priority, but does not provide for any adjustment of the assigned score. (See Giles

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*et al.* at col. 5, lines 27 – 32). In view of at least the foregoing, the subject claims are in condition for allowance and applicants' representative respectfully requests that this rejection be withdrawn.

**II. Rejection of Claims 5-7, 34, 37, 38, 43 and 44 Under 35 U.S.C. §103(a)**

Claims 5-7, 34, 37, 38, 43 and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Giles, *et al.* in view of Wichelman, *et al.* (US 6,590,587). Neither of these references, alone or in combination, teach or suggest all of the claim limitations, and thus, do not teach or suggest the claimed invention as a *whole*.

The test of obviousness is whether "the subject matter sought to be patented and the prior art are such that the subject matter as a *whole* would have been obvious at the time the invention was made to a person having ordinary skill in the art." (*Graham v. John Deere Co.*, 383 U.S. 1, 3 (1966) (emphasis added); *see also e.g., In re Dembiczak*, 175 F.3d 994, 998, 50 U.S.P.Q. 1614, 1616 (Fed. Cir. 1999)).

**A. *Claims 5-7***

Claims 5-7 depend from independent claim 1. By virtue of this dependency, these claims recite all limitations of claim 1, notably, *the notification system senses implicit user actions and adjusts the prioritization of one or more notifications based on the implicit user actions*. As explained in Section I *supra*, Giles *et al.* does not disclose this novel feature - Wichelman, *et al.* does not remedy this deficiency. The system of Wichelman *et al.* calculates a priority score based on node adequacy, but does not sense implicit user actions or adjust the prioritization. (*See* Wichelman *et al.* at col. 32, lines 15 - 28). Thus, the cited references do not teach or suggest the claimed invention as a *whole*. For at least this reason, this rejection should be withdrawn.

**B. *Claims 34, 37, 38 and 43***

Independent claim 34 recites *implicitly sensing a user's interaction with the notification system; and adapting the priority of one or more objects based on the user's interaction*. As discussed in Section II(A) *supra*, neither Giles *et al.* nor Wichelman *et al.*, alone

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or in combination, disclose this novel feature. For at least this reason, this rejection of claim 34 (and claims 37, 38 and 43 which depend there from) should be withdrawn.

**C. Claim 44**

Claim 44 recites *means for implicitly sensing a user's interaction with the at least one prioritized notification; and means for altering the priority of notifications based on the user's interaction*. Neither Giles *et al.* nor Wichelman *et al.*, alone or in combination, disclose this novel feature, and therefore this rejection should be withdrawn.

In view of at least the foregoing comments, it is readily apparent that the cited references do not make obvious applicants' invention as recited in the subject claims. Accordingly, withdrawal of this rejection is requested.

**III. Rejection of Claims 8-14, 16-18, 20-25, 28-32, 35-36, 39-42 and 45-46 Under 35 U.S.C. §103(a)**

Claims 8-14, 16-18, 20-25, 28-32, 35, 36, 39-42, 45 and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Giles, *et al.* in view of Wichelman, *et al.*, and further in view of Tanaka *et al.* (US 5,471,399). Withdrawal of this rejection is respectfully requested because the cited references do not make obvious applicants' invention as recited in the subject claims.

**A. Claims 6-14, 16-18, 20-25 and 28-32**

Claims 6-14, 16-18, 20-25 and 28-32 depend from independent claim 1. By virtue of this dependency, these claims recite all limitations of claim 1, notably, *the notification system senses implicit user actions and adjusts the prioritization of one or more notifications based on the implicit user actions*. As explained in Sections I and II *supra*, Giles *et al.* and Wichelman, *et al.* do not disclose this novel feature. Tanaka *et al.* does not make up for the deficiencies of these primary references - Tanaka *et al.* does not disclose or suggest any method of adjusting assigned priority. Thus, the cited references do not teach or suggest the claimed invention as a *whole*. For at least this reason, this rejection should be withdrawn.

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**B. Claims 35, 36 and 39-42**

Claims 35, 36 and 39-42 depend from claim 34 and thus recite *implicitly sensing a user's interaction with the notification system; and adapting the priority of one or more objects based on the user's interaction*. None of the cited references, alone or in combination, disclose or suggest this novel feature. For at least this reason, this rejection should be withdrawn.

**C. Claim 45**

Claims 45 depends from claim 44 and recites *means for implicitly sensing a user's interaction with the at least one prioritized notification; and means for altering the priority of notifications based on the user's interaction*. As noted above, none of the cited references, alone or in combination, teach or suggest this novel feature. This rejection should be withdrawn.

**D. Claim 46**

Claims 46 recites *a feedback component operable to sense a user's interaction with the scope user interface and modify prioritization decisions based on implicit feedback*. None of the cited references, alone or in combination, disclose this novel feature; and this rejection should be withdrawn.

**IV. Rejection of Claims 15 and 41 Under 35 U.S.C. §103(a)**

Claims 15 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Giles, *et al.* in view of Wichelman, *et al.* and Tanaka *et al.* and further in view of Battat, *et al.* (US 6,289,380). Withdrawal of this rejection is requested in view of the herein discussed deficiencies of the cited art.

**A. Claim 15**

Claim 15 depends from claim 1 and recites *the notification system senses implicit user actions and adjusts the prioritization of one or more notifications based on the implicit user actions*. As explained above, Wichelman, *et al.* and Tanaka *et al.* do not disclose or suggest this novel feature. Battat, *et al.* does not disclose or suggest prioritizing notifications. Thus, the

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cited references do not teach or suggest the claimed invention as a *whole*; and this rejection should be withdrawn.

**B. Claim 41**

Claim 41 depends from claim 34 and contains the limitations *implicitly sensing a user's interaction with the notification system; and adapting the priority of one or more objects based on the user's interaction*. None of the cited references, alone or in combination, disclose this novel feature. For at least this reason, this rejection should be withdrawn.

**V. Rejection of Claims 19, 26, 27 and 33 Under 35 U.S.C. §103(a)**

Claims 19, 26, 27 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Giles, *et al.* in view of Wichelman, *et al.* and Tanaka, *et al.* and further in view of Simonoff, *et al.* (US 6,078,322). Claims 19, 26, 27 and 33 depend from claim 1 and contain the limitation *the notification system senses implicit user actions and adjusts the prioritization of one or more notifications based on the implicit user actions*. As noted *supra*, Giles *et al.*, Wichelman, *et al.*, and Tanaka *et al.* do not disclose or suggest this claimed feature of applicants' invention. Moreover, Simonoff *et al.* does not disclose or suggest prioritizing notifications. Thus, the cited references do not teach or suggest the claimed invention as a *whole*. In view of at least the foregoing, it is submitted that the subject claims are in condition for allowance and applicants' representative respectfully requests that this rejection be withdrawn.

**VI. New Claim 47**

Claim 47 recites all the limitations of claim 34. In view of at least the foregoing discussion regarding claim 34, it is believed claim 47 is in condition for allowance.

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Conclusion

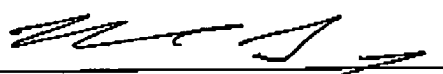
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063[MSFTP248US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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